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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,334	12/13/2003	Brent A. DeWeerd	US20020369	1357
173	7590	10/12/2006	EXAMINER	
WHIRLPOOL PATENTS COMPANY - MD 0750 500 RENAISSANCE DRIVE - SUITE 102 ST. JOSEPH, MI 49085			STINSON, FRANKIE L	
			ART UNIT	PAPER NUMBER
			1746	

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/734,334

Applicant(s)

DEWEERD ET AL.

Examiner

FRANKIE L. STINSON

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 January 1948.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date various.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Furber et al. (U. S. Pat. App. Pub. No. 2005/0121058) or Sowle et al. (U. S. Pat. App. Pub. No. 2003/0168085) in view of McIntyre et al. (U. S. Pat. App. Pub. No. 2005/0000551), Tuller (U. S. Pat. No. 5,603,431) or Russi (U. S. pat. No. 5,133,487).  
Re claim 1, Furber and Sowle each are cited disclosing an automatic dishwasher for washing utensils in accordance with a user selected dishwashing cycle, comprising a wash tub having top, bottom, side and rear walls, wash chamber for receiving utensils to be washed; a moveably mounted door (typical) movable between an opened position for providing access to the wash chamber, and a closed position for selectively closing the of the wash chamber during the dishwashing cycle; and a bulk wash aid dispenser (11 in Furber and 100 in Sowle) for storing a supply of wash aid greater than that needed for a single dishwashing cycle and supplying the amount of wash aid required for the single dishwashing cycle that differs from the claim only in the recitation on the washer being of the household, opened-face washer type. The patent to McIntyre, Tuller and Russi are each cited disclosing the arrangement of an household opened-face type dishwasher. It therefore would have been obvious to one having ordinary skill in the art to modify the device of either Furber or Sowle, to be incorporated in a household opened-faced type dishwasher as taught by McIntyre, Tuller or Russi since is

consider to be a mere substitution of equivalents. Is old and well known to employ features and/or controls of one type washer into each other. Re claim 2, Sowle disclose the variable amount (paragraph [0022]). Re claim 3-6, McIntyre discloses interface control means controlling the washing process. Especially note the multiple dispensing of the additives in Sowle (lines 1-7 of [0024]). Re claim 7, all of the applied prior art disclose the wash aid as one of a liquid or a solid. Re claims 8, 20 and 21, McIntyre, Tuller and Russi disclose the dispenser on the door. Re claims 9-12, Sowle (at [0035]) discloses the multiple wash aids. Re claims 13-15, Sowle (at [0027]) discloses the aids being keyed as claimed. Re claim 16, Sowle and McIntyre disclose the spray nozzle. Re claim 17, Tuller and Russi disclose the space for liquid. Re claims 18 and 19, McIntyre disclose the replaceable cartridge (see [0049]) and pump (see [0038] and [0039]). Re claim 22, Sowle and McIntyre disclose the spray nozzle. Re claims 23-26, Sowle (at [0027]) disclose the aids being keyed as claimed. Re claim 27, McIntyre disclose the pump. Re claims 28-48, Furber or Sowle in view of McIntyre, Tuller or Russi as applied above.


3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Japan'008, Sandrin, Everson et al., Germany'640, McNabb et al., Cerruti et al., Crossdale et al.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can normally be reached on M-F from 5:30 am to 2:00 pm and some Saturdays from approximately 5:30 am to 11:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fls

  
FRANKIE L. STINSON  
Primary Examiner  
GROUP ART UNIT 1746